

REMARKS/ARGUMENTS

In this Action, made final, the Examiner again rejected claims 1-3 and 5 under 35 U.S.C. §103(a) over U.S. patent no. 7,072,880 (Beesley) in view of U.S. patent no. 5,630,130 (Perotto et al.). This rejection is again traversed.

In response to the previous rejection, applicant amended the claims to recite and define a merged finite-state machine, and explained how this recitation distinguishes the claims from the applied references. But the Examiner summarily dismissed applicant's explanation by saying that "Applicant's arguments fail to comply with 37 CFR 1.11(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references."

This cursory dismissal is, at best, disingenuous. Applicant explicitly stated that, and explained at length why, the combined teachings of the applied references "fail to disclose, teach, or suggest a merged or augmented finite-state machine as defined in the amended claims or at least a state-value list and augmentation therewith of the merged or augmented finite-state machine, as is required in one form or another by the recitation of all applicant's amended claims," (Amendment filed on 21 September 2007, page 11, lines 1-6). How much more specific could applicant be?

Claim 1 recites a "merged finite-state machine... wherein at least one state of the merged finite-state machine each corresponds to a multiplicity of states each of a different one of said single-counter finite-state machines, augmented with state value lists where each state value list indicates which counter... receives which value for the state of the merged finite-state machine". Claim 2 recites "a merged finite-state machine... wherein at least one state of the merged finite-state machine each corresponds to a multiplicity of states each of a different one of said

single-counter finite-state machines, augmented with state value lists where each state value list indicates which patterns in which counters... are found when the state of the merged finite-state machine is entered". Claim 3 recites "accumulating... to form a merged machine... wherein at least one state of the merged finite-state machine each corresponds to a multiplicity of states each of a different one of a said single-counter finite-state machines, including converting state values of states of the finite-state machines... into state value lists of states of the merged machine." Claim 5 recites "providing the augmented finite-state machine... wherein at least one state of the augmented finite-state machine each corresponds to a multiplicity of states each of a different one of said single-counter finite-state machines," and "forming a state value list if the final state lacks a state value list, forbearing from forming a state value list if the final state has a state value list, and adding to the state value list a reference to the counter and the pattern value."

Applicant explained in the previous amendment that, and why, the combined teachings of the applied references do not provide a disclosure or a suggestion such as would render the above recitations obvious. Applicant continues to stand by that explanation.

The Examiner has not rebutted applicant's position. Other than nakedly asserting that certain passages of Beesley teach the recited matter, the Examiner has provided no explanation for his assertion of obviousness. This is insufficient to establish obviousness. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." KSR Int'l. v. Teleflex Inc., 550 U.S. ____ (2007), citing In re Kahn, 441 F. 3d 977, 988 (Fed. Cir. 2006). Because the Examiner has failed to establish obviousness of applicant's claimed subject matter, the

obviousness rejection of applicant's claims is unfounded, and applicant requests that it be withdrawn.

The rejection having been properly responded to and overcome, applicant suggests that the application is now in condition for allowance. Applicant therefore requests that the application be reconsidered and thereafter be passed to issue.

Respectfully submitted,

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